

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

CARLOS BLANCO-LEON.

Defendant.

Case No.: 13cr01380 JAH

**ORDER DENYING MOTION TO
REDUCE SENTENCE [Doc. No. 33]**

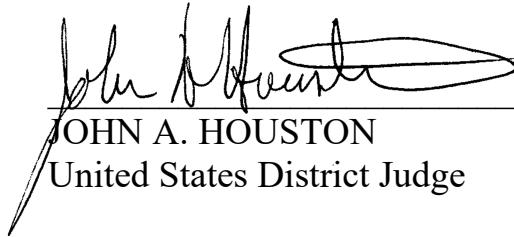
Pending before the Court is Defendant's motion to reduce his sentence pursuant to 18 U.S.C. section 3582. Defendant requests retroactive application of Amendment 782, which revised the guidelines applicable to drug offenses by reducing the offense levels for drug and chemical quantities. Under section 3582(c), a court may modify a term of imprisonment "if a defendant has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission." A court conducts a two-step analysis when proceeding under section 3582(c)(2): step one requires a court to determine the defendant's eligibility for modification and extent of reduction by determining what the guideline range would have been if the amendment had been in effect at the time of sentencing, and step two instructs a court to consider any applicable section 3553(a) factors and determine whether the reduction is warranted. Dillon v. U.S., 560 U.S. 817, 827 (2010).

1 On May 14, 2013, Defendant plead guilty to the single count information charging
2 him with importation of methamphetamine and cocaine in violation of 21 U.S.C. sections
3 952, 960. At the sentencing hearing, this Court found a base offense level of 34, -2
4 adjustment for safety valve, -2 adjustment for minor role, -3 adjustment for acceptance of
5 responsibility and a 4 level downward departure for Fast Track resulting in a guideline
6 range of 46 to 57 months. He received a sentence of 46 months imprisonment followed by
7 four years of supervised release.

8 Defendant is not entitled to the Fast Track downward departure in his amended
9 guideline range. See United States v. Aragon-Rodriguez, 624 Fed.Appx. 542, 543 (9th Cir.
10 2015). His amended guideline range, without considering the four-level fast-track
11 departure, based upon a base offense level of 33, -2 for safety valve, -2 for minor role and
12 -3 for acceptance of responsibility is 63 to 78 months. Because his original sentence is
13 lower than his amended guideline range, Defendant is not entitled to a reduction of his
14 sentence. USSG § 1B1.10(b)(2)(A).

15 Accordingly, IT IS HEREBY ORDERED Defendant's motion for reduction of
16 sentence is **DENIED**.

17 DATED: November 20, 2018



JOHN A. HOUSTON
United States District Judge

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